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A Post from Rey A Valentine For All of Us

By Rey Post, Managing Editor and Associate Broker, Sotheby's International Realty

This month's Distinctive Property, 29 Stonegate Circle.

Read more on page 4

Remember as a kid when you would struggle with round-tipped scissors, construction paper and crayons to create a Valentine's Day card with a positive message for someone you cared for? (Boy, am I dating myself!)

As we enter February, I want to give you my adult version of that Valentine's Day card message. In the first place, the Dow Jones Industrial average is flirting with staying above 12,000 points, something not seen since the summer of 2008 and one signal that the economy is growing again.

In addition, applications for new home construction permits rose by 17 percent in December which is a precursor to new home construction in 2011. Home values nationally in 2010 were slightly higher than they were in 2009, which suggests that the housing market price decline has bottomed.

Also, according to FreeRateUpdate.com, mortgage rates have remained steady across every category. Combined with great home price values, many parts of the country are seeing increased home buying activity.

And though it was largely symbolic, in the spirit of Valentine's Day "warmth," for the first time in history members of Congress from opposing parties sat together during the State of the Union address in January, applauding as President Barack Obama praised America for its greatness: "Remember, for all the hits we've taken these last few years, for all the naysayers predicting our decline, America still has the largest, most prosperous economy in the world."

Of quantifiable importance—according to a national survey conducted by Harris Interactive and released in January by the National Association of Realtors—homeowners and renters agree that home ownership benefits individuals and families, strengthens our communities and is integral to our nation's economy.

Continued on page 10



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CONTRIBUTORS

Rey Post
Managing Editor and Associate Broker
Sotheby's International Realty
505.989.8900 | rey.post@sothebyshomes.com

Kate Marburger
Marketing Director, Palace Office
Sotheby's International Realty
505.946.2870 | kate.marburger@sothebyshomes.com

Debra Stevens
Marketing Director, Washington Office
Sotheby's International Realty
505.989.4677 | debbie.stevens@sothebyshomes.com

Melissa J White
Art Director, eMarketing Coordinator
Sotheby's International Realty
505.438.6751 | melissa.white@sothebyshomes.com

Article Contributors:

Deborah Auten, *Owner, Deborah Auten Architecture*
505.982.8956 | www.deborahautenarchitect.com

Andrew Hoffman, *Advisor To "All Things Real Estate"*
505.984.2696 | andrew@mortgagepartners-santafe.com

Kristin L. Davidson, *Scheuer, Yost & Patterson, PC*
505.989.7500 | www.scheueryostandpatterson.com

Jim Methany, *WestGate Properties, LLC*
505.995.3134 | www.westgatepm.com

Annie O'Carroll, *Annie O'Carroll Interior Design*
505.983.7055 | www.annieocarroll.com

Steve Riemann, *Fidelity National Title Insurance Co.*
505.995.8800 | www.fidelitysantafe.com

K.M. Roberts, *Chairman and CEO, Santa Fe Trust, Inc.*
505.984.2700 | www.santafetrust.com

Robin Schritter, *HUB International*
505.828.4085 | www.hubinternational.com

Thomas Williams, *Designer/Owner, Thomas Williams Design*
505.569.0266 | www.thomaswilliamsdesign.com

Steve Ziegler, *Co-Managing Partner, Canyon Ridge Ranch Conservation Development*
888.860.3443 | www.DiscoverCanyonRidge.com

Tune in Every Sunday "All Things Real Estate"

RADIO SHOW

Join host Rey Post and his guests each Sunday at noon on Santa Fe's Talk 1260 KTRC-AM

Sotheby's International Realty's weekly radio show features a variety of compelling stories, guest interviews and listener questions regarding all aspects of the current real estate market.



Color Focus 2011

Interior Design Today

By Annie O'Carroll, Principal, Annie O'Carroll Interior Design



Photo courtesy *Mix* magazine, mixonline.com.

Following the color trends for 2011 are the way to create inviting personal spaces in your home.

We are seeing customer products offered in exciting new colors. The new aubergine AGA range makes a statement that resonates throughout the kitchen and invites the use of stylish colors to create a welcoming mood. Black is replacing the chrome and nickel finishes for faucets. Black and camel is a sophisticated interior palette. The mixing of metallic tones is making a comeback. Joining gold as a design element are copper and silver used together. Turquoise blue appears with a modern edge. Pale aubergine inspired by a quiet foggy morning is joining rich wine and purple-brown colors for a cozy atmosphere. Bright and eye-catching yellows offer freshness. I suggest mixing yellow, gray and white for a subtle color choice.

Fashion trends move into interior design choices and camel and taupe shades have become the trend for flooring, walls and furniture finishes. These neutral tones are ideal backdrops for creating your personal design style. Hot pink is an intriguing new design color inspired by honeysuckle. It is a happy hue that is reddish-pink and blends well with charcoal, taupe, brown, buttery-yellow and cream. We see this shade used as a visual statement in everything from graphics to bath towels, accent pillows to table top design. Lavender fields, chocolate truffles, sunny citrus and honeysuckle pink are the clear inspiration for your home in 2011.

Life Insurance Trust

Trust and Financial Planning

By K.M. Roberts, Chairman and CEO of Santa Fe Trust, Inc.

An Irrevocable Life Insurance Trust, typically called an ILIT, is a trust which owns a life insurance policy. The current advantage of such a trust is that once qualified, the policy pays out to the beneficiaries without being taxed upon the death of the grantor.

Individuals planning to pay off a property with insurance proceeds should consider an ILIT. The rules around these trusts are numerous and if violated would cause loss of the intended benefits. Consult your estate planners for the type of insurance product and a corporate trustee to hold this instrument for you. A good trustee will check the policy for suitability and ensure the beneficiaries are aware of their gift rights. As a corporate trustee, Santa Fe Trust works with the individual grantor, insurance professionals and beneficiaries to advise and hold these trusts, helping the trust makers keep their promises.

"All Things Real Estate" Remote Broadcasts

The remote broadcast at my HOA/Condo Association Seminar at the Hotel Santa Fe was everything I had hoped it would be both in terms of the number of people and diversity of associations in attendance. We had great interactions between attendees and the expert presenters and the remote broadcast concept gave it added credibility while also expanding the audience. I definitely plan on staging other remotes in 2011.

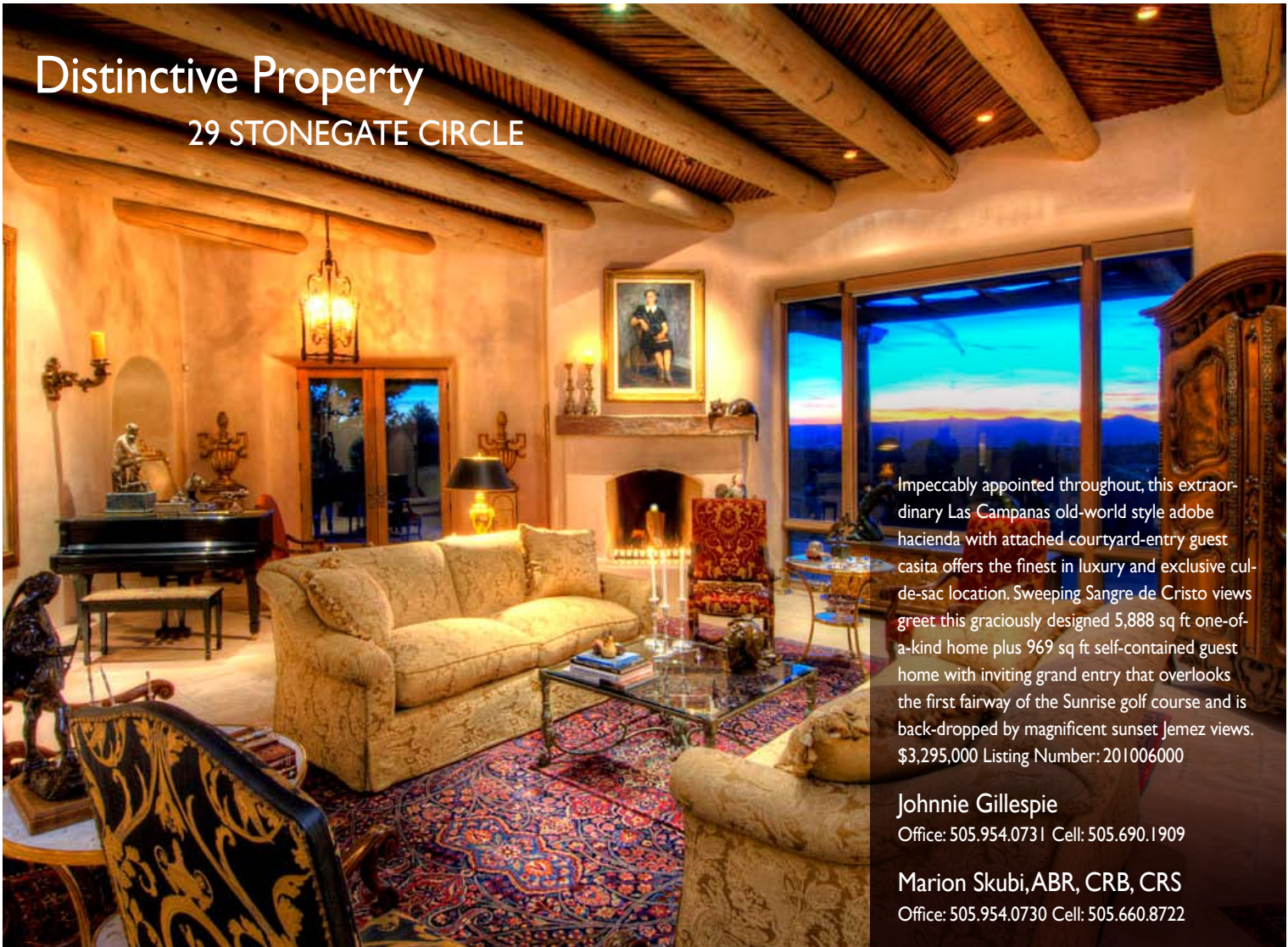
- Tom Simon, Principal of Westgate Properties, LLC



Contact Rey Post
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"All Things Real Estate" host
Rey Post and guest Faren
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Distinctive Property 29 STONEGATE CIRCLE



Impeccably appointed throughout, this extraordinary Las Campanas old-world style adobe hacienda with attached courtyard-entry guest casita offers the finest in luxury and exclusive cul-de-sac location. Sweeping Sangre de Cristo views greet this graciously designed 5,888 sq ft one-of-a-kind home plus 969 sq ft self-contained guest home with inviting grand entry that overlooks the first fairway of the Sunrise golf course and is back-dropped by magnificent sunset Jemez views. \$3,295,000 Listing Number: 201006000

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Marion Skubi, ABR, CRB, CRS
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Asset Protection 101 for Business Owners

Insurance Q & A

By Robin Schritter, Regional VP with HUB International (An Interview with Managing Editor Rey Post)



128-130 Grant Avenue. Contact Michael French for more info: 955.7999

Q. How can people protect themselves against litigation challenges?

A. It's not just wealthy, highly visible people who are being sued. Currently our legal system has more than 70,000 lawsuits filed per day. Unfortunately, being "right" is not always enough.

Q. How bad is the situation for business owners?

A. The average legal cost of settling a lawsuit is \$91,000. A sexual harassment suit against a small business owner produces an average verdict of \$530,000.

Q. What should a business owner do?

A. Plan defensively. An umbrella policy is good; however, when determining your amount of coverage, ask the question: Is defense coverage inside the policy limit, or is it in addition to the policy limit? Go with an insurance company that offers defense coverage that is in addition to the coverage amount.

Q. What are some of the categories where people may be at the greatest risk?

A. Some circumstances where the risk of a lawsuit is most common are:

- People with high net worth, or high liability, like a future doctor.
- People who are highly visible in the public.

- People who have assets that are difficult to replace if lost, or reduced.
- Any business owner who has employees, rental property, or children; obviously this covers a lot of people.

Q. Do legal entities such as limited liability partnerships, asset protection trusts, and income protection plans provide adequate protection for assets?

A. Perhaps, but there also are some common misconceptions about protection. For instance, a revocable living trust is a wonderful estate planning tool; however, its specific purpose is usually to avoid probate and estate taxes and does not shelter a person from a lawsuit.

Q. What actions should be taken to protect a business?

A. Several things:

- Realize your value as a target and do something to protect it.
- Be realistic about the possibility of exposure and the effect a judgment could have on your financial plan.
- Use the right asset protection tools that have specific business purposes and protect specific types of property.
- Maintain a legitimate business purpose for all legal tools.
- Do not forget income and receivables—protect the source.

Condominium Associations

Legal Topic of the Month

By Kristin L. Davidson, Scheuer, Yost & Patterson, PC

Condominiums provide a viable housing option in Santa Fe. Condominium developments are managed by condominium associations comprised of the owners of the units. Whether you are already a resident in a condominium development, or you are a potential buyer, it is important to understand what obligations the owners association has to the rest of the condominium community.



8 White Boulder Condo, Darlene Streit 920.8001 and Bob Burbic 670.9399

Owners associations are created at the very beginning of a housing development project, typically by the developer. Under the New Mexico Condominium Act [NMSA 1978, §§ 47-7A-1 through 47-7D-20], associations may be organized as profit or nonprofit corporations. The condominium association will have the same obligations under New Mexico law in maintaining its good standing as other similarly formed businesses or organizations.

After an association is created, one of the most basic responsibilities of an association's governing board is to take all necessary steps to maintain the association in good standing. This includes filing annual reports with the New Mexico Public Regulation Commission (PRC) and filing annual income tax returns with the state and Federal governments. Failure to file annual reports with the PRC affects the standing of an association and can ultimately lead to the revocation of its charter. Failure to file annual income tax returns, even if no tax payment is ultimately owed, can result in tax liens against the condominiums and levies against the association's accounts.

Investigating the standing of a condominium association, therefore, is an important exercise for both current unit owners and potential buyers.

December Home Sales

Real Estate by the Numbers

By Kate Marburger, Marketing Director, Palace Office Sotheby's International Realty

The following information has been compiled to provide you with updated information on sales in Santa Fe and its surrounding areas from December 1, 2010 to December 31, 2010. These statistics are for all residential home sales including single family homes, condos and town homes.

There were a total of 104 home sales during this time period ranging in price from \$0 to \$2,249,000. The number of sales this month was up from 95 homes sold in November 2010. The total sales volume for December was \$46,682,001 which is up from the sales volume of \$40,652,647 in November.

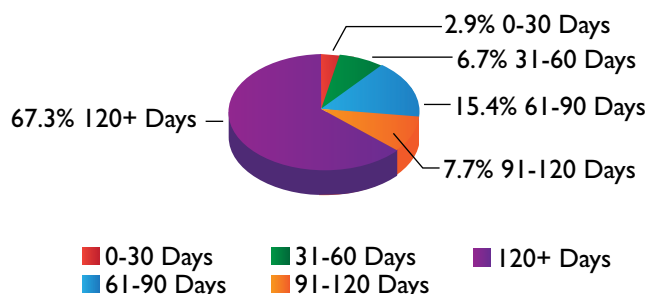
The average sales price was \$488,410, slightly higher than the average sales price of \$429,923 for the month of November.

Homes on the market for more than 120 days sold for an average of 91.01% of list price and accounted for 70 or 67.31% of the sales. Homes on the market for 30 days or less sold at an average of 91.8% of list price but accounted for only 3 or 2.88% of the sales.

The average number of days on the market was 213 days which is higher than the average days on the market in November, which was 188.

Fifty-one of the homes sold for under \$350,000; 20 sold from \$350,000 to \$500,000; 22 sold from \$500,000 to \$1,000,000, and 8 homes sold from \$1,000,000 and \$2,249,000.

Days on the Market



Creating Outdoor Living Space Landscape Design

By Thomas Williams, Designer/Owner, Thomas Williams Design



The gardens at 2224 Callecita Membreno. For more information, contact Tai Bixby, 505.577.3524

An afternoon stroll through a Santa Fe neighborhood provides a glimpse into life behind adobe walls. It's a tradition that no Santa Fe garden is private so a window or two is put into the wall or gate allowing a passer-by to see into the garden without invading the homeowner's privacy. A peek through a latilla-clad window will reveal a wonderland of xeric plants and graceful pathways. A traditional Santa Fe garden or a modern adaptation requires a good design.

February is a great month to design your landscape; whether it is creating a new look or sprucing up your outdoor living space, this is the time to design. What makes this time of year good for design is dormancy. Dormancy reveals the bones of the landscape, essentially offering the canvas for new ideas.

Dormancy reveals the bones of the landscape, essentially offering the canvas for new ideas.

As a designer, I love this time of year walking with my clients through their landscape; listening to their hopes and desires for creating a practical and inviting space for outdoor living. Together we discuss uses for the landscape.

Next we look at the style best to express the personality of the homeowner and home's architecture. Good design recognizes the outdoor space as an integral component of the living environment and an extension of the interior space of a home. This is especially true in the Southwest where so much of our home time is spent living outdoors. This is the month to begin to design the outdoor living space that meets your needs and reflects your lifestyle.

Wither Goest Fannie Mae? State of the Market

By Andrew Hoffman, Advisor to "All Things Real Estate" Radio Show

We bandy about the names of Fannie Mae and Freddie Mac as if they were our best friends. In fact, they are government-sponsored enterprises that are no longer government-sponsored but rather government-owned. In the midst of the housing meltdown, the Federal government took over both and gave an explicit guarantee to the purchasers of the bonds issued by Fannie and Freddie in order to reassure the market. While this has mollified investors, Congress is on the warpath to eradicate these former giants.

It is most likely that a new government-run enterprise will emerge that combines the total Federal involvement in the mortgage market. After all, since WWII, homebuilding abetted by actively available mortgage lending has fueled the growth of the economy. In the past two years, the differences in the guidelines of Fannie Mae and Freddie Mac and FHA have mostly melded into one consistent body with a couple of key variations. It is probable that this de facto combination will be made into law within the next few months. The result may not be all that visible to the borrowing public as these organizations already function in a similar manner, but it will give the Federal Government even more control over mortgages.

A wrinkle in this scenario is that the big banks (Wells Fargo, Bank of America and Chase) that account for well over 60 percent of mortgage originations today want a bigger piece of the pie.

They seem to be clamoring for the ability to act like Fannie/Freddie in issuing mortgage-backed securities directly to the public with an implicit government guaranty. I personally think that, until the banks can show that they have gotten their houses in order on both origination and servicing, they should not be allowed to play in this pool for profit.

Tune in Sunday at noon for Andrew's State of the Market Report on "All Things Real Estate" on 1260 KTRC-AM News Talk Radio.

2011: The Year of Action Title Insurance News

By Steve Riemann, Santa Fe Area Manager, Fidelity National Title Insurance, Co.



Photo: Stockxchange

In 2008, the real estate industry, along with the rest of America's economy, was in shock at the decline we experienced. In 2009, we were "scared stiff" at what the economic future might hold as Americans continued to hunker-down for the potential long-term struggles. In 2010, the industry tried to find a way to change and cope with the changes in the world economy. Americans wanted to create a brighter future for ourselves, but didn't quite have the energy, the courage or the tools to create the changes we were looking for.

The year 2011 is the year of action. If you don't do it now ("it" being making the change, investment, move, etc., that you want), you may look back over your shoulder next year and regret that you missed your opportunity. There are several indications that pricing is at the bottom, and activity in the purchase market is up.

The combination of depressed pricing and low interest rates creates an affordability that our market has never seen before, and may very likely not come around again for a number of years. Make this the year of action! Do not let this opportunity pass you by. Develop your action plans, gather your allies together (including Fidelity National Title), and then implement your plan. The timing could not be better!

Commercial Real Estate Portfolios Property Management Report

By Jim Metheny, Commercial Broker with WestGate Properties LLC.

In today's economic environment, examining all of the fundamental principal factors of a property is more necessary than ever to develop a clear picture of the value of an investment. Of the principal factors to study, the Rental Schedule is primary but not the only consideration in arriving at a meaningful conclusion.

The questions to consider include: How competitive is the current market, where is it going, and what is equilibrium? A mistake to avoid is just assuming that current rate is the same as the value. The current rate is simply what the present tenant is willing to pay for the space. A side agreement made between a landlord and a tenant for free rent or the availability of other space can distort the value. A property leased at a lower rate in a popular area has higher value than a higher rate in a declining neighborhood. Also, a less visible location needing maintenance in a rising area will bring more than a better space in a less popular area.

A seasoned commercial broker with experience in the market is a vital part of a professional investment team.

Periodic evaluations of and adjustments to your commercial portfolio are vital to maximizing occupancy and value. Experience with the local market, understanding the client's investment goals and the ability to handle acquisitions, dispositions, exchanges, management and leasing are all vital skills in developing and maintaining a profitable commercial portfolio.

A Valentine, continued from page 1.

Here are some interesting numbers from the survey:

- Seventy-four percent of owners and 62 percent of renters say it is extremely or very important that the mortgage interest deduction should not be targeted for change.
- Ninety-five percent of home owners and 72 percent of renters believe that over a period of several years, it makes more sense to own a home.
- Ninety-three percent of home owners indicated that they would buy again, while 63 percent of renters say that they are likely to purchase a home at some point in the future (and among these respondents, young adults expressed the strongest aspirations for home ownership).

This last piece of data regarding young adults has to be one of the best Valentine's Day gift messages. And the reason is simple math: the next generation of real estate consumers, at 74 million strong, is entering the prime home-buying years. Generation Y-ers (born between 1980 and 1995) rival the size and potentially the influence of Baby Boomers and, as Margaret Kelly, CEO of Re/Max, LLC, points out, are about to create a new wave of consumer clout, not to mention a chain reaction in real estate that could reshape the entire industry—for the better (consider giving someone 30 years or younger a nice Valentine's Day card!)

While it is true that not everyone who wants to buy a home is financially ready, as National Association of Realtors president Ronald Phipps points out, home ownership for all is certainly more than just a slogan. Case in point: the Federal Reserve reports that the medium net worth of home-owning families is more than \$200,000 compared with about \$5,000 for families who rent.

Jeremy Allaire, chairman and CEO of Brightcove, an online video platform for websites, has a management style that seems to take a year-round Valentine's Day approach. He recently told a *New York Times* reporter that besides wanting to hire people "with a really relentless work ethic and a pursuit of excellence," he also wants "people who are nice, who are genuinely good people, who have humility"—an expression of generosity and kindness that I would argue could find a home just about anywhere.

So on this Valentine's Day, after you have done something nice for someone you care for, take a moment to reflect on the positive message that there is—in spite of all our challenges—strong public support of and aspirations for owning a home. In the scheme of things, maybe not much of a romantic sentiment, but certainly one that is very good for our future economic well-being.

Until next month, I wish you good luck and fortune in "ALL THINGS REAL ESTATE."

Home on the Ranch

Ranch Lifestyle: Part 3

By Steve Ziegler, Co-Managing Partner, Canyon Ridge Ranch Conservation Development



The Canyon Ridge Ranch Conservation Development at www.DiscoverCanyonRidge.com

You have read in my prior two articles about my family's introduction into alpine ranches at Canyon Ridge in 2006, followed by our purchase of Mountain Star Ranch in 2007, and then a full circle back to becoming fifty percent partners in Canyon Ridge with Mike and Mary Plant in 2008.

My family epitomized the term "city slicker" (from the movie of the same name) when we became ranch owners in 2007. We had a lot to learn about alpine ranch living and we found that the people on the neighboring ranches are some of the nicest, helpful people you will ever want to meet. There is something about life at 9,000 feet that causes people to lose the personal defenses we all have in the cities.

Our alpine ranching summer of 2007 (our first summer at Mountain Star) was taken in one-week increments as we split time between our primary home in Wisconsin and the Colorado Rockies. It was pretty much uneventful thanks to the sage advice given us by the neighbors we would run into as we explored the federal lands boarding our ranch.

One of the first things we figured out was that whether at the ranch by ourselves or hosting family and friends, informal is the word of the day...every day. With so many activities to choose from, and each person wanting to maximize or minimize their mountain activities, it's pretty much do as you please. Seasonal options for the day are horse-back riding, ATV-ing, fishing, napping, shooting, fixing fences, hunting, hiking, making a campfire, reading, skiing, going into town, snow shoeing, watching stars and satellites, and on and on and on. With so much to do, no one ever goes home who does not want to get back as soon as possible.

Roots of Contemporary in Traditional Santa Fe Style

Architectural Details

By Deborah Auten, Deborah Auten Architecture



When I first moved to Santa Fe, I was not only enchanted by the tangible beauty of the old homes here, I was inspired by how so many of the traditional elements of building here had a direct relationship to contemporary architectural design.

Thick walls punctuated with small openings are a natural result of building with mud brick walls and no glass. Today, contemporary architects use such walls for dramatic affect, as a way to temper and play with light, and to infuse a simple wall with an iconic pattern. See Ricardo Legoretta's Visual Arts Center at the Santa Fe University of Art and Design as an example.

Contemporary architecture also goes beyond the skin of a building to connect the building to its site, the indoor to the outdoor. The courtyard and the portales are, always have been, and always will be the backbone of building in Santa Fe. The weather's too good to have it any other way.

"Massing" is a term architects use when talking about the sculptural sense of a building, the arrangement of its various shapes, basically how a building meets the sky. Massing is not only written into Santa Fe's covenants and codes, it is in the very DNA of our historic community. Try to find a standard height along Acequia Madre—the charm is that you can't. Roof lines go up, down, and sometimes around, buildings seem to grow organically from the earth and around each other, yet each building has its own integrity. And so, if the essence of contemporary architecture is to be different, to claim its own character, then Santa Fe is *La Arquitectura Madre*.

Camino Botanica, by architect Deborah Auten. View more photos at deborahautenarchitect.com



Andrew Hoffman
417 East Palace Avenue,
Santa Fe, NM 87501
505.984.2696
Andrew@MortgagePartners-SantaFe.com

Annie O'Carroll Interior Design
1512 Pacheco St. A-104
Santa Fe, NM 87505
505.983.7055
www.annieocarroll.com

Canyon Ridge
Ranch Conservation Development
Chama, New Mexico
888.860.3443
www.DiscoverCanyonRidge.com

Fidelity National Title
515 Don Gaspar Avenue,
Santa Fe, NM 87505
505.995.8800
www.FidelitySantaFe.com

HUB International Southwest
PO Box 90756
Albuquerque, NM 87199
www.HubInternational.com

Santa Fe Trust, Inc.
4001 Office Court Drive
Building 1000
Santa Fe, NM 87507-4929
505.984-2700
www.santafetrust.com

Stephen's, A Consignment Gallery
2701 Cerrillos Road
Santa Fe, NM 87505
505.471.0802
www.StephensConsignments.com

Westgate Properties, LLC
P.O. Box 23720
Santa Fe, NM 87502
505.995.3134
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Architecture
Deborah Auten Architecture
505.982.8956
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Energy Analysis and Ratings
Planet Forward, LLC
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rod@planetforwardllc.com

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lupie.linson@gmail.com

Home Construction
Major Development, Inc.
505.470.0019
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Home Inspections
WIN Home Inspection
505.466.7243
www.wini.com/santafe

Land Development
Mark A. Lopez Associates, LLC
505.982.5633
112 W. San Francisco Street, Ste. 308
Santa Fe, NM 87501

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Thomas Williams Design
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